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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Naimish Patel, et al.  
Application No. : 09/899,358  
Filed : July 5, 2001  
For : BI-DIRECTIONAL WAVELENGTH SWITCHED RING OPTICAL  
PROTECTION SWITCHING WAVELENGTH ASSIGNMENT  
ALGORITHM  
Attorney's Docket : SYCMR-027XX

Group Art Unit: 2633

\*\*\*\*\*  
I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope  
addressed to: Commissioner for Patents, Washington, D.C. 20231 on  
4/26/02.

By: Mark A. Superko  
Mark A. Superko  
Registration No. 34,027  
Attorney for Applicant(s)

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INFORMATION DISCLOSURE STATEMENT

RECEIVED

Commissioner for Patents  
Washington, D.C. 20231

MAY 09 2002

Technology Center 2600

Sir:

It is desired to cite for the record in this application the  
enclosed references listed on the attached copy of PTO Form #1449. The  
paragraph(s) marked below are applicable to this Information Disclosure  
Statement.

[ ] (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached  
Information Disclosure Statement is being filed within three  
months of the filing date of the above identified national  
application or within three months of the date of entry of the  
national stage as set forth in 37 C.F.R. § 1.491 of the above  
identified application. Accordingly, applicant(s) believes that  
no fee or statement under 37 C.F.R. § 1.97(e) is required.

- ☐ (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action on the merits. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- ☐ (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- ☐ (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:
- ☐ a statement under 37 CFR § 1.97(e); or
- ☐ the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

- ☐ (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(i).

STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

- ☒ (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Art was cited in PCT International Search Report mailed February 14, 2002 in International Application No. PCT/US01/21236 filed July 5, 2001.

STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

- ☐ (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a

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counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

NAIMISH PATEL, ET AL.

By: 

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MAS/lkl/260077  
Enclosure

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Date: April 26, 2002  
Page 1 of 1

Form PTO-1449 (REV. 07/01)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE			ATTY. DOCKET NO. SYCMR-027XX		APPLICATION NO. 09/899,358	
		INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>						
		APPLICANT: Naimish Patel, et al.						
		FILING DATE July 5, 2001				GROUP 2633		
<b>U.S. PATENT DOCUMENTS</b>								
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE*	
		5,774,244	6/30/98	Tandon et al.	359	125		
		6,088,141	7/11/00	Merli et al.	359	110		
		6,195,186	2/27/01	Asahi	359	110		
		5,864,414	1/26/99	Barnsley et al.	359	125		
		6,084,694	7/4/00	Milton et al.	359	124		
							<b>RECEIVED</b> <b>MAY 09 2002</b> <b>Technology Center 2600</b>	
<b>FOREIGN PATENT DOCUMENTS</b>								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
<b>OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)</b>								
<b>EXAMINER</b>					<b>DATE CONSIDERED</b>			
<b>*EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								